

Remarks

Claims 1-26, 31-40, 44 and 45 are pending in the application.¹ Claims 27-30, directed to claims in the “use” format, have been cancelled.² The cancellation of claims herein is without prejudice to the filing of continuing applications.

The Disposition of Claims in the Office Action Summary does not list claim 45. Claim 45 was added in the Amendment and Response to Restriction Requirement filed October 28, 2008. Claim 45 was not addressed by Examiner in the claim grouping. As indicated by applicants in the October 28 Amendment, claim 45 incorporates the use of a sortase gene product as a purification tag. Hence, it should be grouped with Group IV. For the purpose of this response, applicants will treat claim 45 as grouped in Group IV.

Restriction and Election of Invention

Restriction has been required from among four groups of claims identified in the office action. Applicants elect the claims of Group IV, now constituting claims 35-40, 44 and 45. The election is made with traverse, for the reasons set forth below. Applicants reserve the right to request rejoinder of any non-elected claim pursuant to MPEP 821.04.

Traversal of Restriction

Applicants respectfully traverse the finding of lack of unity as it applies to Groups II, III and IV. Examiner alleges that the claims of the application do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they allegedly lack the same or corresponding technical feature. Examiner alleges that Zhang *et al.*, Pryor *et al.*, Ton-That *et al.* (described in the office action as “Hung *et al.*”), and Ilangovan *et al.* (described in the office action as “Udayar *et al.*”) each disclose a composition comprising HPMa conjugated to a

¹ In the previous response, applicants amended claim 40, but failed to update the status identified in the Listing of Claims to “currently amended”. The status of that claim is now correctly given above as “previously presented”.

² In the Remarks of the previous response, applicants indicated that claims 27-30 were cancelled. However, the status identifier in the Listing of Claims was not updated to “cancelled” for those claims. Applicants apologize for the oversight, and cancel claims 27-30 by the herein amendment.

polyamine, thereby allegedly teaching a technical feature linking the claims. Applicants respectfully disagree.

Applicants are at a loss to understand the Examiner's reasoning for maintaining the disunity objection. None of the claims of Groups II, III or IV make any reference to HPMA (which is believed to be the chemical N-(2-hydroxypropyl)methacrylamide) conjugated to a polyamine. The technical feature linking the claims of each of the claim Groups is the use of a Sortase as a purification tag. None of the cited documents make any reference to Sortase gene products as purification tags and thus, the common technical feature linking each of Groups II, III and IV is novel.

Zhang *et al.* describes the fusion of various proteins to a mutant form of DsbA with no mention of the use of Sortase as a purification tag. Pryor *et al.* describes expression of soluble protein using a His6-tag and Maltose-binding-protein double affinity fusion system with no mention whatsoever of the use of a Sortase gene product. Ton-That *et al.* describes the purification and characterization of Sortase and its use to catalyze surface-protein anchoring. There is no disclosure whatsoever in this document of the use of Sortase as a purification tag or indeed any indication from this document that Sortase could be used for such a purpose. Ilangovan *et al.* also relates to the Sortase and its characterization. The document concentrates in the properties of Sortase in cleaving LPXTG peptides. As with Ton-That *et al.*, no teaching or suggestion whatsoever is made by and Ilangovan *et al.* with respect to the use of Sortases as purification tags as taught by the present application.

Each of claim Groups II, III and IV, share the same special technical feature, i.e., the use of a Sortase gene product as a purification tag. None of the documents upon which the Examiner bases the lack of unity objection makes any reference of the use of Sortase gene products as purification tags. Thus, the common technical feature linking each of Groups II, III and IV is novel. Accordingly, the Examiner is respectfully requested to reconsider the finding of lack of unity, at least insofar as it relates to Groups II, III and IV.

Remarks Regarding Species Election Requirement

An election of species has been required, but only if Group I is elected. Since Group I is not elected, no election of species is required.

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